IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 218 OF 2005

SHRI PALVINDER SINGH AND 3 ORS., ...Petitioners

Versus

THE MAMLATDAR OF MORMUGAO TALUKA AND 9 ORS., ...Respondents

Shri M. S. Sonak, Advocate for the petitioners.

Shri S. R. Rivankar, Government Advocate for the respondents No.1 to 7.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 22nd August, 2005

P. C.

Heard Mr. Sonak, learned Counsel for the petitioners and Mr. Rivonkar, learned Government Advocate for the respondents.

The learned Government Advocate handed over to us a copy of the Notice dated 22.12.2004 issued by the Village Panchayat of Chicalim, Taluka Mormugao, to the respondent No.9. The said Notice is marked "X" for identification purposes.

The grievance of the petitioners in this writ petition is that the respondent No.9 has carried out encroachment in the open space bearing Survey No. 86/1 and that the respondents No.1 to 8 and 10 be directed to initiate action against the respondent No.9.

Since the concerned Village Panchayat has already issued the notice to the respondent No.9 to show cause why the encroachment made by them on Survey No.86/1 may not be demolished in terms of Goa Panchayat Raj Act, 1994, we are satisfied that no further order needs

to be passed at our end in the writ petition. However, we observe that the notice issued by the Village Panchayat to the respondent No.9 shall be taken to its logical conclusion.

We, accordingly, direct that the concerned Village Panchayat shall take final decisioin in respect of the Notice dated 22.12.2004, after hearing the respondent No.9 expeditiously and in no case later than four months from the date of production of the Order of this Court.

The writ petition is disposed of in the aforesaid terms.

R. M. LODHA, J.

N. A. BRITTO, J.